

05/18/01  
10860 U.S. PTO

Patent  
Attorney's Docket No. 000950-110

11033 U.S. PTO  
09/859428  
05/18/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING CONTINUATION/DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)

Box PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is a request for filing a [X] continuation [ ] divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 09/121,878, filed on July 24, 1998, for OSMOTIC DELIVERY SYSTEM, OSMOTIC DELIVERY SYSTEM SEMIPERMEABLE BODY ASSEMBLY, AND METHOD FOR CONTROLLING DELIVERY RATE OF BENEFICIAL AGENTS FROM OSMOTIC DELIVERY SYSTEMS, by the following named inventor(s):

(a)	Full Name	Guohua Chen
(b)	Full Name	Scott D. Lautenbach
(c)	Full Name	Keith E. Dionne
(d)	Full Name	Scott D. Jordan
(e)	Full Name	Steve A. Berry
(f)	Full Name	Craig I. Rodenberger
(g)	Full Name	Rupal Ayer

[ ] Applicant(s) hereby requests that the above-captioned application **NOT BE PUBLISHED** under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

[ ] The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

[ ] This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

(a) Full Name \_\_\_\_\_

[ ] This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.

(a) Full Name \_\_\_\_\_

- [X] Applicant(s) suggests Figure 7 for inclusion on the front page of the patent application publication and/or patent.
1. [X] Enclosed is a copy of the prior Application No. 09/121,878 as originally filed on July 24, 1998, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
2. [ ] Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
3. [ ] Small entity status is hereby claimed.
4. [X] The filing fee is calculated below [X] and in accordance with the enclosed preliminary amendment:

C L A I M S					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$710.00 (101)
Total Claims	60	MINUS 20 =	40	× \$18.00 (103) =	720
Independent Claims	9	MINUS 3 =	6	× \$80.00 (102) =	480
If multiple dependent claims are presented, add \$270.00 (104)					0
Total Application Fee					1910
If small entity status is claimed, subtract 50% of Total Application Fee					0
Add Assignment Recording Fee of \$_ if Assignment document is enclosed					0
<b>TOTAL APPLICATION FEE DUE</b>					<b>1,910.00</b>

5. [ ] Charge \$ \_\_\_\_\_ to Deposit Account No. 02-4800 for the fee due.
6. [X] A check in the amount of \$ 1,910.00 is enclosed for the fee due.
7. [X] The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.
8. [X] Cancel in this application original claims 1-6 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
9. [ ] New drawings are enclosed.

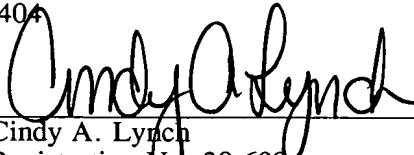
10. ☐ Priority of Application No. \_ filed on \_ in \_ (country) is claimed under 35 U.S.C. § 119.
- ☐ The certified copy of the priority application
- ☐ is enclosed.
- ☐ was filed on \_ in prior Application No. \_, filed on \_, and acknowledged by the Examiner on \_ in Paper No. \_.
- ☐ has not yet been filed.
11. ☒ Please amend the specification by inserting before the first line the sentence:
- ☒ --This application is a ☒ continuation ☐ divisional of Application No. 09/121,878, filed on July 24, 1998.--.
- ☐ --This application is a ☐ continuation ☐ divisional of U.S. Application No. \_, filed on \_, which was a national stage filing under 35 U.S.C. § 371 of International Application No. \_ filed on \_, which International Application ☐ was ☐ was not published by the International Bureau in English on \_.--.
- ☐ --This application is a ☐ continuation ☐ divisional of U.S. Application No. \_, filed on \_, which was a continuation of International Application No. \_, filed on \_, which International Application ☐ was ☐ was not published by the International Bureau in English on \_.--.
12. ☒ A preliminary amendment is enclosed.
13. ☐ An Information Disclosure Statement is enclosed.
14. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.
15. ☐ Also enclosed \_.
16. ☒ The power of attorney in the prior application is to Michael J. Rafa, Reg. No. 38,740; Paul L. Sabatine, Reg. No. 22,539; D. Byron Miller, Reg. 30,661; Steve F. Stone, Reg. No. 20,246; and Pauline Ann Clarke, Reg. No. 29,783; Robert G. Mukai, Reg. No. 28,531; Matthew L. Schneider, Reg. No. 32,814; Mary Ann Dillahunty, Reg. No. 34,576; and Cindy A. Lynch (Cherichetti), Reg. No. 38,699.
- a. ☒ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☒ Recognize as Associate Attorney Kelly J. McCrystle, Reg. No. 46,257.

- d. ☒ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Robert G. Mukai  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404

Date: May 16, 2001

By:

  
Cindy A. Lynch  
Registration No. 38,699

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(650)622-2300

- ☐ inventor(s)  
☐ assignee of complete interest  
☒ attorney or agent of record  
☐ filed under 37 C.F.R. § 1.34(a)

000950-110

**UTILITY PATENT**  
**APPLICATION TRANSMITTAL LETTER**

**Box PATENT APPLICATION**  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**Sir:**

Enclosed for filing is the utility patent application of Guohua Chen, Scott D. Lautenbach, Keith E. Dionne, Scott D. Jordan, Steve A. Berry, Craig I. Rodenberger, and Rupal Ayer for OSMOTIC DELIVERY SYSTEM, OSMOTIC DELIVERY SYSTEM SEMIPERMEABLE BODY ASSEMBLY, AND METHOD FOR CONTROLLING DELIVERY RATE OF BENEFICIAL AGENTS FROM OSMOTIC DELIVERY SYSTEMS.

**Also enclosed are:**

- ☒   16   sheet(s) of ☒ formal ☐ informal drawing(s);
- ☐ a claim for foreign priority under 35 U.S.C. §§ 119 and/or 365 is ☐ hereby made to           
filed in        on       ;  
☐ in the declaration;
- ☐ a certified copy of the priority document;
- ☐ a Constructive Petition for Extensions of Time;
- ☐ \_\_\_\_\_ statement(s) claiming small entity status;
- ☒ an Assignment document;
- ☐ an Information Disclosure Statement; and
- ☐ Other: \_\_\_\_\_

The declaration of the inventor(s) ☒ also is enclosed ☐ will follow.

- [ ] Please amend the specification by inserting before the first line the sentence --This application claims priority under 35 U.S.C. §§119 and/or 365 to \_\_ filed in \_\_ on \_\_; the entire content of which is hereby incorporated by reference.--

DOCKETED  
filed 87-24-28

The filing fee has been calculated as follows [ ] and in accordance with the enclosed preliminary amendment:

CLAIMS					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$790.00
Total Claims	62	MINUS 20 =	42	x \$22.00	924.00
Independent Claims	10	MINUS 3 =	7	x \$82.00	574.00
If multiple dependent claims are presented, add \$270.00					
Total Application Fee					
If verified Statement claiming small entity status is enclosed, subtract 50% of Total Application Fee					
Add Assignment Recording Fee of \$40.00 if Assignment document is enclosed					40.00
<b>TOTAL APPLICATION FEE DUE</b>					<b>\$2,328.00</b>

[X] A check in the amount of \$ 2,328.00 is enclosed for the fee due.

[ ] Charge \$ \_\_\_\_\_ to Deposit Account No. 02-4800 for the fee due.

Please address all correspondence concerning the present application to:


ALZA Corporation  
Intellectual Property Dept.  
950 Page Mill Road  
Palo Alto, CA 94303-0802.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in triplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: July 24, 1998

By:   
Jeffrey A. Pade  
Registration No. P-42,970

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